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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 2012-670

12 **MEGAN KAY WILSON**
1240 Chalmette Ave.
13 Ventura, CA 93003

ACCUSATION

14 Registered Nurse License No. 745090

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19 official capacity as the Interim Executive Officer of the Board of Registered Nursing (Board).

20 2. On or about February 13, 2009, the Board issued Registered Nurse License
21 No. 745090 to Megan Kay Wilson (Respondent). The Registered Nurse License was in full force
22 and effect at all times relevant to the charges brought herein and will expire on October 31, 2012,
23 unless renewed.

24 **JURISDICTION**

25 3. This Accusation is brought before the Board under the authority of the following
26 laws. All section references are to the Business and Professions Code unless otherwise indicated.

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1 "(d) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
2 violating of, or conspiring to violate any provision or term of this chapter [the Nursing Practice
3 Act] or regulations adopted pursuant to it.

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5 "(f) Conviction of a felony or of any offense substantially related to the qualifications,
6 functions, and duties of a registered nurse, in which event the record of the conviction shall be
7 conclusive evidence thereof. . . ."

8 9. Section 2762 states:

9 "In addition to other acts constituting unprofessional conduct within the meaning of this
10 chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this
11 chapter to do any of the following:

12 "(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
13 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
14 administer to another, any controlled substance as defined in Division 10 (commencing with
15 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
16 defined in Section 4022.

17 "(b) Use any controlled substance as defined in Division 10 (commencing with Section
18 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
19 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
20 himself or herself, any other person, or the public or to the extent that such use impairs his or her
21 ability to conduct with safety to the public the practice authorized by his or her license.

22 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
23 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
24 or the possession of, or falsification of a record pertaining to, the substances described in
25 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
26 thereof. . . ."

27 10. Section 2764 provides that the expiration of a license shall not deprive the Board of
28 jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision

1 imposing discipline on the license. Under section 2811, subdivision (b), the Board may renew an
2 expired license at any time within eight (8) years after the expiration.

3 **REGULATORY PROVISIONS**

4 11. California Code of Regulations, title 16, section 1444 states, in pertinent part:

5 "A conviction or act shall be considered to be substantially related to the qualifications,
6 functions or duties of a registered nurse if to a substantial degree it evidences the present or
7 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
8 safety, or welfare. . . ."

9 **COST RECOVERY**

10 12. Section 125.3 provides that the Board may request the administrative law judge to
11 direct a licentiate found to have committed a violation or violations of the licensing act to pay a
12 sum not to exceed the reasonable costs of the investigation and enforcement of the case.

13 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

14 13. Hydromorphone, an opium derivative, is a Schedule II controlled substance as
15 designated by Health and Safety Code section 11055(b)(1)(j) and is categorized as a dangerous
16 drug pursuant to section 4022.

17 14. Lorazepam, a benzodiazepine derivative, is a Schedule IV controlled substance as
18 designated by Health and Safety Code section 11057, subdivision (d)(16), and is categorized as a
19 dangerous drug pursuant to section 4022.

20 **FIRST CAUSE FOR DISCIPLINE**

21 **(Conviction of a Substantially Related Crime)**

22 15. Respondent is subject to disciplinary action under sections 490, and 2761,
23 subdivision (f), in conjunction with California Code of Regulations, title 16, section 1444, in that
24 on or about August 11, 2011, Respondent was convicted of a crime substantially related to the
25 qualifications, functions or duties of a registered nurse which to a substantial degree evidences
26 her present or potential unfitness to practice in a manner consistent with the public health, safety,
27 or welfare, as follows:

28 a. On or about August 11, 2011, after being found guilty by a jury, Respondent was

1 convicted of two (2) misdemeanor violations, Count 1, violating Vehicle Code section 23152(a)
2 [driving while under the influence of alcohol/drugs], and Count 2, violating Vehicle Code
3 section 23152(b) [drive with an equal to or greater than 0.08% blood alcohol content (BAC)] in
4 the criminal proceeding entitled *The People of the State of California v. Megan Wilson* (Super.
5 Ct. Ventura County, 2010, No. 2010039736MA). The Court sentenced Respondent to ten (10)
6 days in jail, placed her on 36 months of probation, and ordered her to complete a 90-day Drinking
7 Driver Program.

8 b. The circumstances underlying the conviction are that on or about November 6, 2010,
9 Respondent while under the influence of alcohol over the legal limit was driving a vehicle.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Alcohol Related Conviction)**

12 16. Respondent is subject to disciplinary action under sections 2761, subdivision (a),
13 and 2762, subdivision (c), on the grounds of unprofessional conduct, in that on or about August
14 11, 2011, Respondent was convicted of a crime involving the consumption of alcoholic
15 beverages. Complainant refers to and by this reference incorporates the allegations set forth
16 above in paragraph 15, subparagraphs a and b, inclusive, as though set forth fully.

17 **THIRD CAUSE FOR DISCIPLINE**

18 **(Unlawfully Obtain / Possess Controlled Substances)**

19 17. Respondent is subject to disciplinary action under sections 2761, subdivision (a) and
20 2762, subdivision (a), on the grounds of unprofessional conduct, in that on or about
21 September 19, 2010, Respondent obtained and / or possessed controlled substances without a
22 valid prescription.

23 a. On or about September 19, 2010, after being sent to the hospital emergency room by
24 police, ambulance and fire emergency responders to be treated for a possible overdose of
25 prescription medication, hospital staff found Respondent in possession of two (2) hospital grade
26 glass bottles of hydromorphone and lorazepam, controlled substances and dangerous drugs,
27 without a valid prescription. Respondent informed officers that she had obtained the drugs while
28 on-duty as a registered nurse from her employer, St. Johns Hospital in Oxnard, and the

1 medications being left over from administrations for her assigned patients.

2 b. Subsequently, on or about July 21, 2011, after pleading guilty for violating two (2)
3 misdemeanors, Count 1, Health and Safety Code section 11375(b)(2) [possession of a controlled
4 substance], and Count 2, Business and Professions Code section 4060 [possession of a controlled
5 substance] in the criminal proceeding entitled *The People of the State of California v. Megan*
6 *Wilson* (Super. Ct. Ventura County, 2010, No. 2010033678MA), the Court placed Respondent on
7 the deferred entry of judgment program for 24 months.

8 **FOURTH CAUSE FOR DISCIPLINE**

9 **(Dangerous Use of Alcoholic Beverages/Controlled Substances)**

10 18. Respondent is subject to disciplinary action under section 2761, subdivision (a), and
11 2762, subdivision (b), on the grounds of unprofessional conduct, in that on or about
12 September 19, 2010, and on or about November 6, 2010, Respondent dangerously used controlled
13 substances and / or alcoholic beverages. Complainant refers to and by this reference incorporates
14 the allegations set forth above in paragraphs 15 - 17, inclusive, as though set forth fully.

15 **FIFTH CAUSE FOR DISCIPLINE**

16 **(Unprofessional Conduct / Violate Act)**

17 19. Respondent is subject to disciplinary action under sections 2761, subdivisions (a),
18 and / or (d), on the grounds of unprofessional conduct, in that Respondent committed acts of
19 unprofessional conduct, and / or acts violating the Nursing Practice Act. Complainant refers to
20 and by this reference incorporates the allegations set forth above in paragraphs 15 - 18, inclusive,
21 as though set forth fully.

22 **PRAYER**

23 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
24 and that following the hearing, the Board issue a decision:


25 1. Revoking or suspending Registered Nurse License No. 745090, issued to Megan Kay
26 Wilson;

27 2. Ordering Megan Kay Wilson to pay the Board the reasonable costs of the
28 investigation and enforcement of this case, pursuant to section 125.3; and,

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3. Taking such other and further action as deemed necessary and proper.

DATED: April 27, 2012


LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
State of California
Complainant

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